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No Longer a Credible Opposition: the Dems and Alito

By Alexander Cockburn and Jeffrey St. Clair

Can anyone who watched the confirmation hearings for Judge Samuel Alito in the Senate Judiciary committee claim that the Democratic Party represents a credible opposition, or indeed has any fibers of resistance left in its inert body?

Just take the recent hearings on judges. Remember, the Senate Democrats can filibuster any Republican judicial nomination they deem unacceptable. That's the point of the senate, where it should take a super-majority to get approval for a Supreme Court nominee. Up came, last year, some dreadful nominations for the Federal Appeals Courts. The Democrats rumbled about a filibuster. The senate Republican majority leader, Bill Frist, promptly retaliated with threats of the "nuclear option", meaning he would seek to pass a new senate rule eliminating the filibuster for judicial nominees.

It was a hollow threat.

Enough Republicans would have jumped ship for such a bid to ensure its failure. But before Frist even tried to force the issue, seven Democrats joined with seven Republicans to form the "gang of 14" (aka "the mod squad") advancing a compromise where there would be no filibustering of nominees unless there were "all but extraordinary circumstances".

The seven Democrats included Joseph Lieberman of Connecticut, Robert Byrd of West Virginia, Ben

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Secret War Plans and the Malady of American Militarism

By FLOYD RUDMIN

Between the First and Second World Wars--that is, between 1918 and 1939--the United States developed and approved as official national policy three major war plans: a War Plan ORANGE against Japan; a War Plan GREEN against Mexico, and a War Plan RED against the UK. (The most useful source here is R.A. Preston's 1977 book, *The Defence of the Undefended Border: Planning for War in North America, 1867-1939*.) But there were other war plans as well. Special Plan VIOLET was approved by the Joint Board of the Army and Navy in 1925 for interventions in Latin America and the Caribbean "to forestall action by other countries including the League of Nations." There was a War Plan WHITE initiated in 1920 for suppressing internal insurrection by U.S. citizens, but it was not developed or approved.

These war plans were all declassified in 1974 and (can be purchased from the U.S. National Archives. Germany was color-coded black, but there never was a War Plan BLACK. War Plan RED was the largest of the war plans, the most detailed, the most amended, and the most acted upon. The Plan presumed that a war with the UK would begin by U.S. interference in British Commonwealth commercial trade, "although other proximate causes to war may be alleged". The Plan presumed that the British navy would take the Philippines, Guam, Hawai'i, and the Panama Canal. In exchange for these losses, the U.S.A. would invade and conquer Canada.

Though ostensibly for war against Britain Plan RED is almost devoid of plans to fight the British. The Plan is focused on the conquest of Canada, which was color-coded CRIMSON. The U.S. Army's mission, written in capital letters, was "ULTIMATELY, TO GAIN COMPLETE CONTROL OF CRIMSON." The 1924 draft declared that U.S. "intentions are to hold in perpetuity all CRIMSON and RED territory gained... The Dominion government [of Canada] will be abolished." War Plan RED was approved in May 1930 at the Cabinet level by the Secretary of War and Secretary of Navy. It was not a plan of defense. The U.S.A. would start the war, and even should Canada declare neutrality, it was still to be invaded and occupied.

In December 1930, the US Naval Attache in Ottawa made an espionage report to the Joint Board on Canada's lack of readiness for war: "In as much as Canada had no idea of trouble with any other country it was not considered necessary to maintain a proper air force." The U.S. focus on invading Canada accelerated during the 1930s. Even as late as 1939, when World War II was beginning and the free world was mobilizing to fight fascism, Preston describes how the U.S. Army War College and the Naval War College had set as their planning priority the task of coordinating land and sea forces for a project entitled, "Overseas Expeditionary Force to Capture Halifax from Red-Crimson Coalition."

For some unexplained reason, The Washington Post and Canada's national newspaper, The Globe and Mail, recently decided to report on War Plan RED. Peter Carlson's Dec. 30, 2005, article in The Washington Post was entitled, "Raiding

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Nelson of Nebraska, Mary Landrieu of Louisiana, Daniel Inouye of Hawai'i, Mark Pryor of Arkansas, and Ken Salazar of Colorado.

Through the stable door thus politely held ajar by the Democrats, the Republicans ushered three dreadful nominees--Priscilla Owen, Janice Rogers Brown and William Pryor--to the Appeals courts. All should have been filibustered. None of them would have survived, if we assume the Democrats would have stayed firmly opposed, which is by no means certain.

As mutterings arose from the Democratic base across the country about the easy passage of this trio, the congressional Democrats riposted that their filibuster gunpowder was being held ready, against Bush's expected effort to stack the U.S. Supreme Court with unacceptable judges.

That day was not long in coming. At the end of the 2005 Court term, Sandra Day O'Connor announced she was ready to retire from the bench. Bush put up John Roberts, thus seeking to replace the neo-moderate O'Connor with a paleo-conservative with an awful record.

The time seemed ripe for a Democratic counterattack. Bush was low in the polls, and the Senate Republicans "were feuding both among themselves and with the White House.

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Then came another fortuitous circumstance. Chief Justice William Rehnquist died in harness. Roberts now faced double scrutiny as the 51-year old man who might lead the Court for the next three decades.

The fight was over before it began. Intimidated by Roberts, the Senate Democrats promptly collapsed, hailing the brilliance and fine legal mind of this undistinguished corporate lawyer. In the end, not only did they shirk a filibuster, but half the Senate Democrats ended up voting for him, despite the fact that it was clear from the hearings that Roberts was going to move swiftly to an onslaught on Roe v Wade.

Then came an object lesson in the difference between the Democrats and Republicans. To fill the post vacated by O'Connor, Bush put up his White House counsel, Harriet Miers. The Republican right promptly raised a storm, lashing Bush and denigrating Miers in violent terms, while the Democrats watched meekly from the sidelines.

Within a couple of weeks it was all over. Frist phoned Bush to say the Senate Republicans had nixed Miers. Later, Senator Orrin Hatch of Utah disclosed that at that same time, the Senate Republicans had privately notified the White House that "all of Bush's women candidates were problematic".

Bush surrendered, and then put up Alito, a move that should have been manna from heaven to the Democrats. Not only had the "woman's seat on the court" been confiscated, but the proposed occupant was an ultra-right Catholic with a noisome record stretching back to the early days of the Reagan administration.

Investigation disclosed Alito as a judge easily as far to the right as Robert Bork. Indeed, in a 1985 application for promotion inside the Reagan White House, Alito declared Bork to be an ideal candidate for the Supreme Court. Alito was as clearly opposed to abortion as any judge could be.

In the 1980s he had said that a woman had no constitutional right to abortion, and argued this in a detailed 17-page memo to the Reagan White House. In that document he outlined ways to undermine and then overturn Roe v Wade.

Once he got on the federal appeals bench in Philadelphia, Alito issued an outlandish dissent in Casey v Planned Parenthood where, among other things, he wrote in favor of spousal notification of abortions, with the terms of this dissent making clear his opposition to Roe v Wade.

To dispel any possible doubt, during the actual hearings in early January 2006, Alito refused to say that the Roe v Wade decision was "settled law".

Wiretapping? Could the timing of the hearings on Alito have been more auspicious for the Democrats, as the airwaves and newspaper columns quivered with outrage at disclosure of the illegal NSA eavesdropping? And yes, in the trove of Alito's memos, there swiftly surfaced one where he argued for "absolute immunity for executive officials engaged in warrantless wiretapping".

This assertion was part of an overall case Alito was making for what he called "the unitary executive". Somewhat anticipating the White House's torture prof John Yoo of Berkeley, Alito built a case that the President has a free hand on matters ranging from torture to violations of the National Environmental Policy Act. The only sanctions, according to Alito, are elections and impeachment. Alito holds that such agencies as the FCC, the SEC and the FTC have no independent power, but should be entirely under the thumb of the Executive Branch.

Alito emerged from press and lawyers' scrutiny as about as extreme a right-winger as can be found in the U.S. judiciary today.

But some Democrats such as Feinstein and Feingold maintain that so long as a judge is "competent", the Senate has no right to reject the nominee for right-wing views. The tipping point would be ethical lapses. It emerged that Alito had committed these too.

In the Vanguard case, he had refused to recuse himself as an appellate court judge when hearing a case involving Vanguard, the company that manages his mutual fund.

It also emerged that Alito had been a member of the Concerned Alumni of Princeton, an organization opposed to the admission of women, minorities, and working class students on scholarships.

In that damning 1985 application for promotion in the Reagan White House,

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Alito proudly put his membership of CAP at the top of his CV list. In 1990, when he was in hearings for promotion to the Appeals Court, he prudently deep-sixed his CAP membership. Quizzed in the recent hearings, Alito claimed he could remember nothing about his CAP membership though he claimed he thought it might have had something to do with CAP's bid to get ROTC back on the Princeton campus.

So Alito was a member of an elitist, sexist and racist college society, an Ivy League version of the Klan. And then he lied about it. Surely here were the ethical lapses that could tip Feingold and Feinstein into opposition.

From the opening moments of the Judiciary Committee's hearings it became instantly clear that Alito faced no serious opposition. On that first ludicrous morning Senator Pat Leahy sank his head into his hands, shaking it in unbelieving despair as Senator Joe Biden of Delaware blathered out a self-serving and inane monologue lasting a full twenty minutes before he even asked Alito one question. In his allotted half-hour Biden managed to pose only five questions, all of them ineptly phrased. He did ask two questions about CAP but had already undercut them in his monologue by calling Alito "a man of integrity", not once but twice, and further trivialized the interrogation by reaching under the dais to pull out a Princeton cap and put it on.

In all, Biden rambled for 4,000 words, leaving Alito time only to put together less than 1,000. A Delaware newspaper made deadly fun of him for his awful performance, eliciting the revealing confession from Biden that "I made a mistake. I should have gone straight to my question. I was trying to put him at ease."

Ted Kennedy of Massachusetts flailed at Alito for his membership of CAP, but the effectiveness of his assault was undermined the next day by disclosure of the fact that he was still a member of a Harvard alumni club that barred women. It took him another day to resign from the club.

There was a moment when Senator Herb Kohl of Wisconsin had Alito rattled, admitting that his opinion on the supremacy of the executive branch was "inaptly phrased". Instead of pouncing on the opportunity, Kohl said, "Very good", and moved on.

The Democrats have forgotten how to ask tough questions. The last Democratic senator who knew how to do it was John Edwards, who quit the Senate to run with John Kerry. And even if the Democrats could remember how to put a nominee on the spot, their nerve has gone. They think any tough challenge to any nominee will come and haunt them. A DNC adviser and former Clinton staffer, Doug Schoen, told the *Wall Street Journal* : "My strong advice is for the Democrats to let these judicial matters pass."

Year after year the Democrats have called for loyalty from potential defectors, crying that the bottom line is the Supreme Court. In January, the bottom line was right there in the nominee's chair, in the form of Sam Alito, and the Democrats ran away. Senator Diane Feinstein told the press: "I don't see the likelihood of a filibuster. This might be a man I disagree with. But it doesn't mean he shouldn't be on the court. I was impressed with his ability to maintain a very even demeanor."

So, the fact that he will have a "very even demeanor" as he overturns Roe v Wade counts more with Feinstein than the fact that legal abortions may soon no longer be available as a constitutional right for women.

For sure, the Democrats know how to posture, and to bluster. That same week, Al Gore gave a powerful speech attacking the White House for trashing the constitution. Hillary Clinton said that the Bush administration would go down in the record as one of the worst in the nation's history. John Kerry said the same. Tom Daschle, former Senate minority leader, said the outrages of Bush and Cheney were tempting him to run for the presidency.

Meanwhile, amid this grandstanding, the Democratic senators let the Republican right wing get exactly what it wanted. Said New York Democrat Charles Schumner piously : "If there's any talk about marching in lockstep, about listening to groups perhaps more extreme than most senators, it's been the Republican side of the aisle that's done that. The Democrats have not."

The Boston Globe reported January 19 that, in a Wednesday meeting of Democratic Senators regarding the Alito nomination, a Democrat who intends to vote for Alito said that not a single Democratic Senator argued that the Alito nomination presented an "extraordinary circumstance", the standard for a filibuster adopted by the gang of 14.

"Does no one in the Democratic Party understand how Hitler became all powerful? Do they think there will be no 'extraordinary circumstances' until people are packed off to jails or concentration camps by the tens of thousands, as the Japanese Americans were? What the hell is the matter with the Democrats anyway?"

As Lawrence Velvel, dean of the Massachusetts Law School, said to us: "How in hell can it *not* be an 'extraordinary circumstance' to put on the Supreme Court a man who refuses to say he will not vote for the vastly expanded executive power that will destroy our constitutional plan and turn our country into a de facto dictatorship, and whose prior record and statements indicate that he *will* vote to allow this dictatorial executive power? Does no one in the Democratic Party understand how Hitler became all powerful? Do they think there will be no 'extraordinary circumstances' until people are packed off to jails or concentration camps by the tens of thousands, as the Japanese Americans were? What the hell is the matter with the Democrats anyway?" CP

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the Ice Box." Shawn McCarthy's Dec. 31, 2005, article in The Globe and Mail was entitled, "They'd take Halifax (then we'd kill Kenny)." Both articles are written with doses of disbelief, derision, and sometimes giggling or guffaws.

But War Plan RED is certainly not news, nor is the re-re-reporting of re-re- discoveries of War Plan RED. The first news report of the Plan was in 1935, when secret Congressional budgeting for three camouflaged air bases for surprise attacks on Canada, at $19,000,000 each, was mistakenly made public by the government printing office, which published "Air Defense Bases: Hearings before the Committee on Military Affairs, House of Representatives, Seventy-Fourth Congress". This was reported by the New York Times on its front page and re-reported by the Toronto Globe under the headline, "U.S. Disavows Airport Yarn". War Plan RED was re-discovered and re-reported in 1975 by the Reuters wire service, and the Globe and Mail re-re-reported it. It was again re-discovered and re-reported as news in 1991 and again in 2005. History has lessons, but they cannot be learned by re-re-repeated disbelief or by giggling.

If U.S. war plans for the conquest of Canada provoke laughter, that is a comment on those who are laughing, not a comment on the war plans. In its day, War Plan RED was not meant to be funny. The 1928 draft stated that "it should be made quite clear to Canada that in a war she would suffer grievously". The 1930 draft stated that "large parts of CRIMSON territory will become theaters of military operations with consequent suffering to the population and widespread destruction and devastation of the country..." In October 1934, the Secretary of War and Secretary of Navy approved an amendment authorizing the strategic bombing of Halifax, Montreal and Quebec City by "immediate air operations on as large a scale as practicable." A second amendment, also approved at the Cabinet level, directed the U.S. Army, in capital letters, "TO MAKE ALL NECESSARY PREPARATIONS FOR THE USE OF CHEMICAL WARFARE FROM THE OUTBREAK OF WAR. THE USE OF CHEMICAL WARFARE, INCLUDING THE USE OF TOXIC AGENTS, FROM THE INCEPTION OF HOSTILITIES, IS AUTHORIZED..." The use of poison gas was conceived as an humanitarian action that would cause Canada to quickly surrender and thus save American lives. (Commander Carpender, A. S., & Colonel Krueger, W. (1934), memo to the Joint Board, Oct. 17, 1934, available in U.S. National Archive in documents appended to War Plan RED.)

In March 1935, General Douglas MacArthur proposed an amendment making Vancouver a priority target comparable to Halifax and Montreal. This was approved in May 1935, and in October 1935, his son Douglas MacArthur Jr. began his espionage career as vice-consul in Vancouver. In August 1935, the U.S.A. held its then largest ever peace time military maneuvers, with more than 50,000 troops practicing a motorized invasion of Canada, duly reported in the New York Times by its star military reporter, Hanson Baldwin.

What is the mentality and line of illogic that leads ranking military professionals, executive cabinet officers, and congressmen to plan and prepare war on an ally and good neighbor? Secret border bases? Surprise attacks? Strategic bombing of populated cities? Immediate first use of poison gas? And at the same time they were planning this for Canada, they failed to plan for war against German fascism, a very great threat to America. Clearly, something was wrong in the thinking of many high-level civilian and military decision makers. These war plans warrant proper study, not dismissive derision, if America is ever to understand and control its military impulses.

The core of the militarism that is endangering America and driving us into bankruptcy, disdain, and dishonor is not new. The fundamental causes of the Iraq war cannot be found in contemporary geopolitics or in the personalities of the Bush administration.

For example, War Plan GREEN, for the invasion of Mexico, looks like a mirror image of America's current invasion plan for Iraq. Here are some direct quotations from the Mexican War Plan approved by Secretary of War in August 1919.

"The oil fields of Tampico and Tuxpan are important not only to the commerce of the United States and of the world, but to that of Mexico... The fields are largely owned by American and British interests and are susceptible to great damage by the Mexicans. It is therefore important to seize these fields at once...".

"The first rule for conquering a nation is to defeat its army. The Mexican army if it accepts battle at all, will certainly do so in defense of the heart of its country. And the heart of the country is the Mexico City locality... An attack on Mexico City will not only bring the Mexican army to a decisive battle, but will, if successful, afford to the United States the facilities it will need to reorganize and reestablish the government" "The period of active operations will be short, as compared to the period of guerilla operations. The early disbandment of temporary [U.S.] troops is highly desirable. It is the testimony of all well acquainted with Mexican character that any number of Mexicans can be hired to fight against anyone and for any one who will regularly pay and feed them. The Mexican soldier will be cheaper and more efficient against banditry than the American and the cost can be more easily charged against the Mexican government".

"In addition, an Army can be established that will not be anti-American and which may, for many years in the future, exercise on the Mexican government an influence favorable to the United States".

Some further direct quotes from the 1927 draft of War Plan GREEN:

"The military purpose of this Plan is the use of the armed forces of the United

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States to overthrow the present existing Federal Government of Mexico and to control Mexico City until a government satisfactory to the United States has been set up".

"...the foregoing purpose can best be initiated by depriving the existing Federal Government of munitions of war from outside sources, interrupting the receipt of its revenues as far as practicable , driving it from Mexico City and accomplishing its overthrow. Wide publicity as to the object of the military operations may reduce Mexican resistance by influencing the Mexican people to give allegiance to a new Federal Government".

"The United States should declare a state of war against Mexico and establish a blockade, in order to interrupt the entrance of munitions of war and receipt of revenues. In the event that a state of war is not declared to exist, blockade operations are limited to such 'peaceful blockade' as is authorized by the President".

Replace the word "Mexico" with "Iraq" and change the corresponding city names, and this war plan will read like America's current military strategy in Iraq:

In both plans, the goal is to seize control of another nation's oil.

In both plans, there is a priority on protecting the oil production facilities from damage by the defending national forces.

In both plans, economic sanctions and blockade will weaken the nation prior to the U.S. invasion.

In both plans, Congressional authorization for war can be circumvented by presidential command and by twisting of words.

In both plans, propaganda will claim that the invasion is benevolent, intended to free the population from a bad government.

In both plans, the war is seen to be quick and easy to win, against a weakened national army defending an overly centralized government in the national capital.

In both plans, there is contempt for the military abilities and valor of the defending national forces.

In both plans, the U.S.A. imagines that it can make a new government in the conquered country that will serve U.S. interests.

In both plans, a national militia army will be hired in order to cheaply save American soldiers from being bogged down in a protracted guerrilla war.

In both plans, the conquered nation will pay the costs of this national militia.

In both plans, this militia army is expected to be used by the U.S.A. to control the national government for years into the future.

The current U.S. plan for the invasion, occupation, and continuing control of Iraq is not new. It is almost 100 years old.

Thus, the core of the militarism that is endangering America and driving us into bankruptcy, disdain, and dishonor is not new. The fundamental causes of the Iraq war cannot be found in contemporary geopolitics nor in the personalities of the Bush administration, as so many critics of the war think. There is something wrong at a much deeper level in American political culture. The American malady of militarism extends across decades, across generations, and is so deeply rooted in the American mind that attacking another nation seems to be the natural, spontaneous reaction of choice.

In fact, the U.S.A. is the least threatened nation on the planet. Its geographic, demographic, and economic size, and its location, give it far greater security than Russia, or Holland, or Hungary, or France, or Finland, or Iraq, or Iran. These nations are easily attacked from several sides, and in modern history have been thus attacked. These nations have reason to be fearful, but in fact are less fearful than is America. Certainly it is impossible for foreign forces to invade and occupy the U.S.A. even should the U.S. have the most minimal defenses.

But Americans feel more threatened than most other people on the planet. The U.S. military budget now exceeds that of all other nations combined. The U.S.A. is now the only nation with two defense departments; one to defend the homeland and one to....to do what? To project "defense" of America outside of our borders into other nations? That is normally called "aggression".

Projection may be the key to marketing military projects in America. These may begin as "realpolitik" projects: schemes to take economic resources, for example, to increase trade or to control oil. Then we imagine that others are planning to do to us what we know we are planning to do to them, like the "Golden Rule" in reverse. It is classic, Freudian psychopathic projection. And we feel fear. We believe we are realistic and rational because our plans and our actions fit the fear we have imagined. That is normally called "neurosis" or "insanity". We get into a feed-forward loop of our own belligerent plans projected into others, imagined to have similar belligerent plans against us, causing fear which further justifies our original belligerence. Thus we enter an accelerating cycle of belligerence and fear; each feeding the other and turning "aggression" into "defense".

We imagined that Nicaragua's Sandinistas would invade Texas. We imagined that a socialist government in Grenada would destabilize the Western Hemisphere.

We imagined that Iraq would put nuclear bombs into New York subways. These are all comic claims, but many in America did not laugh. Instead, we attacked these nations.

In the mistakenly published 1935 testimony to Congress about the need for new air bases to attack Canada, a military expert explained that Canada

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has thousands of lakes, and each of these is a potential float-plane base. He asked the congressmen to imagine the fearful vision of the sky filled with bush-pilot float planes flying down from Canadian forests to bomb Boston and Baltimore:

"...the Creator has given countless operating bases within a radius of action of this country in the vast number of sheltered water areas that are available deep in Canada... from which pontoon-equipped aircraft could operate at will... There is no necessity for starting with an observation in order to know what they are going to bomb. They know now what they are going to bomb. They know where every railroad crosses every river. They know where every refinery lies. They know where every power plant is located. They know all about our water supply systems... Now they are dispersed widely out over this area. Their location is most difficult for us to learn, for our own air force to learn. We have to hunt them up. We have to find out where they are before we can attack them."

No one in the hearings laughed at this. Instead, Congressman Wilcox complemented the speaker, Captain H. L. George, as "a mighty good teacher" and Congressman Hill said, "Captain, you made what to my mind is a very interesting, clear, and lucid statement." No one asked Captain George how he knew with such certainty that Canada or Britain had located and targeted U.S. railroad bridges, oil refineries, power plants and water systems. In fact, the U.S.A. had located and targeted such facilities in Canada as part of War Plan RED. We imagine that others are planning to do to us what we know we are planning to do to them. Projected military imagination causes paranoia.

Just weeks before this testimony, the Joint Board had dispatched a secret reconnaissance team to the wilds of Hudsons Bay and Labrador to hunt for hidden Canadian float-plane facilities. Congressman Kvale commented, "All we are interested in is defense. Predicate your building of your bases on defense and not on offense"; and Captain George responded that "the best defense against air attack is offense against the places from which the air attack originates." Thus, even pre-emptive attack is not a new idea. The committee was persuaded, and on June 6, the House approved appropriations for the new air bases. On August 10, the bill was signed into law by President Roosevelt.

Militarism is so deeply rooted in the American mind that attacking another nation seems to be the natural, spontaneous reaction of choice.

Perhaps the malady of American militarism can be understood, diagnosed, and eventually curbed or cured. Perhaps an international coalition of social scientists willing to focus their full attention on the history and the social and mental processes of American militarism can begin to understand how it is rooted in our psyche and political culture. Such a coalition should include historians, psychologists, psychiatrists, military strategists, and cultural anthropologists.

Considering the large numbers of innocent people we Americans kill when we act on our militarized imagination, considering the immense amount of money we waste building weapons and attacking other nations because our own imagination frightens us, it should be a national priority to understand what is happening, why we act as we do, and how we might stop doing it.

Collective neurosis is hard to notice in contemporary contexts. There are few reference points for normality by which to see that our fears are unfounded. But in historical retrospect, it is easy to see how neurotic we were in our projected paranoia, and how wrong.

America's historical war plans offer a rare opportunity for insight into the militarization of the American mind. We should take a look inside and try to learn.

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